

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**MEMORANDUM**

JS 6

Case No. CV 13-8494 DSF (SHx)

Date 11/25/13

Title APG Fund, I, LLC v. Janet Chiarello, et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (In Chambers) Order REMANDING Case to Superior Court of California

On November 18, 2013, Defendant removed this case from state court claiming federal question jurisdiction. The complaint is a state law unlawful detainer complaint and does not state a federal cause of action. While the notice of removal states several potential federal defenses to the complaint and federal counterclaims that might be raised, federal jurisdiction is based on the plaintiff's complaint and not on any federal counterclaims or defenses that a defendant might assert. See Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc., 535 U.S. 826, 830-32 (2002).

The case is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.